IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1213 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 3-6-2002 in WP NO: 7449 OF 2001 on the file of the High Court.)

Between:

The Depot Manager, Andhra Pradesh State Road Transport

Corporation, Parvathipuram Depot, Vizianagaram District.

..... APPELLANT

AND

A.Shankar Rao, S/o.Late Kurma Rao,Driver, Andhra Pradesh State Road Transport Corporative, Parvathipuram Depot, Parvathipuram, Vizianagaram District.

.....RESPONDENT

Counsel for the Appellant :KUM.B.G.UMA DEVI

Counsel for the Respondent.: MR.P.V.SANJAY KUMAR

The Court made the following :

JUDGMENT:(Per Sri Justice G.Bikshapathy)

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The writ petition is filed against the orders dated 3-6-2002 passed by this Court in W.P.No.7449 of 2001.

2. The respondent employee is appointed as Driver Grade III in the year 1997 on daily wage basis. However, during the course of his employment, a charge sheet was issued to him on 27-1-2001 to which he submitted a detailed explanation denying the charges. However, without conducting enquiry, he was removed by proceedings dated 5.3.2001. Against the said order, the employee filed Writ petition which was allowed by order dated 03-6-2002. The said orders are assailed in the present writ appeal.

3. The contention of the management is that as the employee is only a daily wage employee, no enquiry need be conducted inasmuch as charge sheet and show cause notice were issued, and that itself constitutes an opportunity. Hence, the order passed by the learned single Judge is not sustainable in law.

4. We have heard the learned counsel for the appellant and also the learned counsel for the respondent.

5. The learned Judge, while dealing with the matter observed as follows:

> *" On a true and fair construction of above paragraph, it is apparent that it is neither a reason nor even any apology for a reason. The respondent being an instrumentality of the State is obligated by extant and binding Constitutional and Public law principles to record reasons for the decision taken, particularly in disciplinary matters or where Civil rights of a citizen, in relationship with it, are involved. In this regard, the impugned proceedings of the respondent dt.5-3-2001 fails. It invites invalidation and is accordingly, set aside. The writ petition is allowed. No order as to costs.*

6. After going through the above order, we do not find any illegality therein.

7. The Writ Appeal is accordingly, dismissed. No costs.

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G.BIKSHAPATHY,J

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B.SESHASAYANA REDDY,J

Dvs

Dated 29th November, 2004.

To

Two C.D.copies.

THE HONOURABLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.A.No.1213 of 2002

29th November, 2004